

106TH CONGRESS  
2D SESSION

# S. 2451

To increase criminal penalties for computer crimes, establish a National Commission on Cybersecurity, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 13, 2000

Mrs. HUTCHISON introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To increase criminal penalties for computer crimes, establish a National Commission on Cybersecurity, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FRAUD AND RELATED ACTIVITY IN CONNEC-**  
4       **TION WITH COMPUTERS.**

5       (a) INCREASE IN CRIMINAL PENALTIES FOR COM-  
6       PUTER CRIMES.—Section 1030 of title 18, United States  
7       Code, is amended—

8               (1) in subsection (a)(4), by striking all begin-  
9       ning with “, unless” through the semicolon and in-  
10       serting “or causes damage;”; and

1 (2) in subsection (c)—

2 (A) in paragraph (2)(B), by striking “5  
3 years” and inserting “10 years”;

4 (B) in paragraph (2)(C), by striking “ten  
5 years” and inserting “20 years”;

6 (C) in paragraph (3)(A), by striking “five  
7 years” and inserting “10 years”; and

8 (D) in paragraph (3)(B), by striking “ten  
9 years” and inserting “20 years”.

10 (b) IMPROVED DAMAGE THRESHOLD.—Section  
11 1030(e)(8) of title 18, United States Code, is amended—

12 (1) by redesignating subparagraphs (B), (C),  
13 and (D) as subparagraphs (C), (D), and (E), respec-  
14 tively; and

15 (2) by inserting after subparagraph (A) the fol-  
16 lowing:

17 “(B) causes loss or interruption of service  
18 to the general public;”.

19 **SEC. 2. NATIONAL COMMISSION ON CYBERSECURITY.**

20 (a) ESTABLISHMENT OF NATIONAL COMMISSION ON  
21 CYBERSECURITY.—There is established the National  
22 Commission on Cybersecurity (in this section referred to  
23 as the “Commission”).

24 (b) MEMBERSHIP OF COMMISSION.—

1           (1) APPOINTMENT.—The Commission shall be  
2 composed of 12 members as follows:

3           (A) Three individuals shall be appointed by  
4 the Speaker of the House of Representatives.

5           (B) One individual shall be appointed by  
6 the Minority Leader of the House of Represent-  
7 atives.

8           (C) Three individuals shall be appointed by  
9 the Majority Leader of the Senate.

10          (D) One individual shall be appointed by  
11 the Minority Leader of the Senate.

12          (E) Four individuals shall be appointed by  
13 the President of the United States.

14          (2) QUALIFICATIONS.—Each of the individuals  
15 appointed under paragraph (1) shall be—

16           (A) individuals with a background in Fed-  
17 eral, State, or local law enforcement;

18           (B) individuals from the technology indus-  
19 try; or

20           (C) individuals with expertise in security in  
21 the technology industry.

22          (3) CHAIRPERSON AND VICE CHAIRPERSON.—  
23 The members of the Commission shall elect a Chair-  
24 person and a Vice Chairperson. In the absence of

1 the Chairperson, the Vice Chairperson shall assume  
2 the duties of the Chairperson.

3 (4) QUORUM.—A majority of the members of  
4 the Commission shall constitute a quorum for the  
5 transaction of business.

6 (5) APPOINTMENTS.—All appointments under  
7 paragraph (1) shall be made within 30 days after  
8 the date of enactment of this Act.

9 (6) VOTING.—Each member of the Commission  
10 shall be entitled to 1 vote, which shall be equal to  
11 the vote of every other member of the Commission.

12 (7) VACANCIES.—Any vacancy on the Commis-  
13 sion shall not affect its powers, but shall be filled in  
14 the manner in which the original appointment was  
15 made.

16 (8) PROHIBITION OF ADDITIONAL PAY.—Mem-  
17 bers of the Commission shall receive no additional  
18 pay, allowances, or benefits by reason of their serv-  
19 ice on the Commission. Members appointed from  
20 among private citizens of the United States may be  
21 allowed travel expenses, including per diem, in lieu  
22 of subsistence, as authorized by law for persons  
23 serving intermittently in the Government service to  
24 the extent funds are available for such expenses.

1           (9) INITIAL MEETING.—The initial meeting of  
2       the Commission shall occur within 90 days after the  
3       date of enactment of this Act.

4       (c) FUNCTIONS OF COMMISSION.—

5           (1) SPECIFIC FINDINGS AND RECOMMENDA-  
6       TIONS.—The Commission shall study the incidents  
7       of computer crimes and the need for enhanced meth-  
8       ods of combating computer crimes. The Commission  
9       shall make findings and specific recommendations  
10      relating to—

11           (A) improved coordination among all Fed-  
12      eral agencies in combating computer crimes, in-  
13      cluding a central information sharing mecha-  
14      nism;

15           (B) the need for criminal laws designed to  
16      deter computer crimes;

17           (C) development of a strategic plan for im-  
18      proved international coordination to combat  
19      computer crimes targeted at the United States  
20      from foreign countries;

21           (D) the need for additional Federal re-  
22      sources, as well as State and local resources to  
23      combat computer crimes; and

24           (E) the enhancement of overall computer  
25      security in the United States without creating

1 legal or regulatory burdens on the private sec-  
2 tor.

3 (2) FINAL REPORT.—

4 (A) IN GENERAL.—Subject to subpara-  
5 graph (B), the Commission shall submit to the  
6 President and Congress, not later than 1 year  
7 after the date of the first meeting of the Com-  
8 mission, a report that shall contain a detailed  
9 statement of the findings and conclusions of the  
10 Commission, including the Commission's rec-  
11 ommendations for administrative and legislative  
12 action that the Commission considers advisable.

13 (B) MAJORITY VOTE REQUIRED FOR REC-  
14 OMMENDATIONS.—Any recommendation de-  
15 scribed in subparagraph (A) shall be made by  
16 the Commission to the President and Congress  
17 only if such recommendation is adopted by a  
18 majority vote of the members of the Commis-  
19 sion who are present and voting.

20 (d) POWERS OF COMMISSION.—

21 (1) HEARINGS.—For the purpose of carrying  
22 out this Act, the Commission may hold such hear-  
23 ings and sit and act at such times and places as the  
24 Commission may find advisable.

1           (2) RULES AND REGULATIONS.—The Commis-  
2           sion may adopt such rules and regulations as may  
3           be necessary to establish the Commission’s proce-  
4           dures and to govern the manner of the Commission’s  
5           operations, organization, and personnel.

6           (3) ASSISTANCE FROM FEDERAL AGENCIES.—

7                   (A) INFORMATION.—The Commission may  
8           request from the head of any Federal agency or  
9           instrumentality such information as the Com-  
10          mission may require for the purpose of this Act.  
11          Each such agency or instrumentality shall, to  
12          the extent permitted by law and subject to the  
13          exceptions set forth in section 552 of title 5,  
14          United States Code (commonly referred to as  
15          the Freedom of Information Act), furnish such  
16          information to the Commission, upon request  
17          made by the Chairperson of the Commission.

18                   (B) FACILITIES AND SERVICES; PER-  
19          SONNEL DETAIL AUTHORIZED.—Upon request  
20          of the Chairperson of the Commission, the head  
21          of any Federal agency or instrumentality shall,  
22          to the extent possible and subject to the discre-  
23          tion of such head—

1 (i) make any of the facilities and serv-  
2 ices of such agency or instrumentality  
3 available to the Commission; and

4 (ii) detail any of the personnel of such  
5 agency or instrumentality to the Commis-  
6 sion, on a nonreimbursable basis, to assist  
7 the Commission in carrying out the Com-  
8 mission's duties under this Act.

9 (4) **MAILS.**—The Commission may use the  
10 United States mails in the same manner and under  
11 the same conditions as other Federal agencies.

12 (5) **CONTRACTING.**—The Commission, to such  
13 extent and in such amounts as are provided in ap-  
14 propriation Acts, may enter into contracts with  
15 State agencies, private firms, institutions, and indi-  
16 viduals for the purpose of conducting research or  
17 surveys necessary to enable the Commission to dis-  
18 charge the Commission's duties under this Act.

19 (6) **STAFF.**—Subject to such rules and regula-  
20 tions as may be adopted by the Commission, and to  
21 such extent and in such amounts as are provided in  
22 appropriation Acts, the Chairperson of the Commis-  
23 sion shall have the power to appoint, terminate, and  
24 fix the compensation (without regard to the provi-  
25 sions of title 5, United States Code, governing ap-



1 pointments in the competitive service, and without  
2 regard to the provisions of chapter 51 and sub-  
3 chapter III of chapter 53 of such title, or of any  
4 other provision of law, relating to the number, clas-  
5 sification, and General Schedule rates) of an execu-  
6 tive director, and of such additional staff as the  
7 Chairperson determines advisable to assist the Com-  
8 mission, at rates not to exceed a rate equal to the  
9 maximum rate for level IV of the Executive Schedule  
10 under section 5332 of such title.

11 (e) EXPENSES OF COMMISSION.—There are author-  
12 ized to be appropriated to pay any expenses of the Com-  
13 mission such sums as may be necessary not to exceed  
14 \$500,000. Any sums appropriated for such purposes are  
15 authorized to remain available until expended, or until 1  
16 year after the termination of the Commission under sub-  
17 section (f), whichever occurs first.

18 (f) TERMINATION OF COMMISSION.—The Commis-  
19 sion shall terminate on the date that is 60 days after the  
20 date on which the Commission is required to submit its  
21 final report in accordance with section (c)(2).

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